

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**TOMMY WHITLOW, on behalf of himself )  
and all other similarly situated individuals, )**

**Plaintiff, )**

**v. )**

**Case No. CIV-16-1330-R**

**CRESCENT CONSULTING, LLC. )**

**Defendant. )**

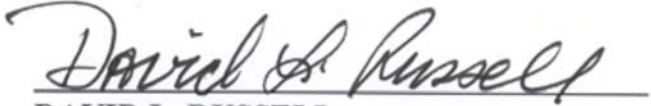
**ORDER**

Before the Court is Plaintiff Whitlow's Motion to Compel (Doc. No. 73), to which Defendant filed a Response and Plaintiff filed a Reply in support thereof. The motion requests that the Court (1) enter an order compelling Defendant to respond to discovery within five days, specifically the second request for production issued by Plaintiff on May 15, 2017; (2) deem any objection thereto waived as a result of Defendant's failure to timely produce or object to the second request for production; and (3) order Defendant to produced a privilege log with regard to Plaintiff's First Request for Production. Defendant asserts the motion to compel is moot, because on July 31, 2017, the same date it filed its motion response, it produced its responses to the Second Request for Production. In his Reply Plaintiff Whitlow challenges Defendant's characterization of the issue as moot, asserting that the July 31, 2017 untimely discovery responses provided by Defendant were nothing more than objections and asking that the Court overrule Crescent's objections as untimely

and improper and compel Crescent to provide substantive responses and responsive documents within five days.

The Court hereby GRANTS Plaintiff's request as set forth in his Reply brief. (Doc. No. 81). Defendant failed to follow proper procedures for timely objecting to Plaintiff's Second Request for Production and therefore waived any objection to those requests. As such, the Court will disregard the untimely objection and Defendant is hereby ordered to provide substantive responses and responsive documents within five days. Defendant is additionally ordered to supplement its privilege log as requested by Plaintiff at page 4 of the Reply brief. Failure to properly supplement the privilege log may result in waiver of the privilege.

IT IS SO ORDERED this 25<sup>th</sup> day of August 2017.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE